



February 20, 2004

ENGROSSED SENATE BILL No. 223

DIGEST OF SB 223 (Updated February 19, 2004 8:24 am - DI 75)

Citations Affected: Noncode.

Synopsis: Local government efficiency study commission. Establishes the local government efficiency and financing study commission.

Effective: Upon passage.

**Long, Lanane, Wyss, Meeks C,
Brodén, Skillman**

(HOUSE SPONSORS — MOSES, BORROR, GIAQUINTA, ESPICH)

January 8, 2004, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

January 22, 2004, amended, reported favorably — Do Pass.

February 2, 2004, read second time, amended, ordered engrossed.

February 3, 2004, engrossed. Read third time, passed. Yeas 47, nays 2.

HOUSE ACTION

February 5, 2004, read first time and referred to Committee on Rules and Legislative Procedures.

February 19, 2004, amended, reported — Do Pass.

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ES 223—LS 6997/DI 87+



February 20, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 223

A BILL FOR AN ACT concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this
2 SECTION, "commission" refers to the local government efficiency
3 and financing study commission established by this SECTION.

4 (b) As used in this SECTION, "municipal corporation" means
5 a county, city, town, township, library district, local housing
6 authority, fire protection district, public transportation
7 corporation, local building authority, local hospital authority or
8 corporation, local airport authority, special service district, special
9 taxing district, or other separate local governmental entity that
10 may sue and be sued.

11 (c) There is established the local government efficiency and
12 financing study commission. The commission shall study the
13 following:

14 (1) Local government financing, structure, and methods of
15 providing necessary services to the public to determine the
16 most appropriate and efficient means of providing services.

17 (2) Merger and consolidation of municipal corporations and
18 the sharing of services among municipal corporations to

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improve the efficiency of local government.

(3) Creation of local charter governments and the restructuring of municipal corporations, including a review of Senate Bill 225-2004, which proposed allowing local governments to establish charter governments.

(4) The efforts of Fort Wayne and Allen County to restructure municipal and county government.

(5) The ongoing study conducted by Vanderburgh County concerning the restructuring of local government.

(6) The efforts of other states to consolidate local government.

(7) Any other issue as determined by the commission.

(d) The commission consists of the following twenty-one (21) members:

(1) Five (5) members appointed by the governor as follows:

(A) One (1) member who is the mayor of a third class city.

(B) One (1) member representing business.

(C) One (1) member representing labor.

(D) One (1) member who is an economic development professional.

(E) One (1) member who is a public safety employee of a second class city.

(2) Four (4) members who are members of the senate, appointed by the president pro tempore of the senate. Not more than two (2) members may be of the same political party.

(3) Four (4) members who are members of the house of representatives, appointed by the speaker of the house of representatives. Not more than two (2) members may be of the same political party.

(4) Eight (8) members as follows:

(A) One (1) member who is a county commissioner appointed by the president pro tempore of the senate.

(B) One (1) member who is the mayor of a second class city appointed by the speaker of the house of representatives.

(C) One (1) member who is a member of a city council of a second class city appointed by the president pro tempore of the senate.

(D) One (1) member who is a member of a county council appointed by the speaker of the house of representatives.

(E) Two (2) members who are township trustees. One (1) member shall be appointed by the president pro tempore of the senate. One (1) member shall be appointed by the

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1 speaker of the house of representatives. The member
 2 appointed by the speaker of the house of representatives
 3 must be a trustee assessor.

4 (F) One (1) member, appointed by the speaker of the house
 5 of representatives, who is a member of a town legislative
 6 body.

7 (G) One (1) member, appointed by the president pro
 8 tempore of the senate, who is:

9 (i) an elected or appointed and a qualified township
 10 assessor; and

11 (ii) not a township trustee.

12 (e) Not more than four (4) members appointed under subsection
 13 (d)(4) may be of the same political party.

14 (f) After the effective date of this act:

15 (1) the president pro tempore of the senate shall appoint the
 16 first chairperson of the commission from among the members
 17 of the commission who are legislators, for a term that expires
 18 December 1, 2004; and

19 (2) the speaker of the house of representatives shall appoint
 20 the first vice chairperson of the commission from among the
 21 members of the commission who are legislators, for a term
 22 that expires December 1, 2004.

23 (g) After November 30, 2004:

24 (1) the speaker of the house of representatives shall appoint
 25 the second commission chairperson of the commission from
 26 among the legislative members of the commission, for a term
 27 that expires December 1, 2005; and

28 (2) the president pro tempore of the senate shall appoint the
 29 second commission vice chairperson from among the
 30 legislative members of the commission, for a term that expires
 31 December 1, 2005.

32 (h) If a member of the commission who holds public office
 33 ceases to hold the public office that the member held when
 34 appointed to the commission, the member vacates the member's
 35 seat on the commission.

36 (i) The commission shall operate under the policies governing
 37 study committees adopted by the legislative council.

38 (j) An affirmative vote of a majority of the voting members
 39 appointed to the commission is required for the commission to take
 40 action on any measure, including final reports.

41 (k) The commission shall annually submit a final report to the
 42 legislative council of the commission's recommendations and

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1 findings not later than December 1. The report to the legislative
2 council must be in an electronic format under IC 5-14-6.

3 (l) This SECTION expires December 1, 2005.

4 SECTION 2. An emergency is declared for this act.

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SENATE MOTION

Madam President: I move that Senator Skillman be added as coauthor of Senate Bill 223.

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COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill No. 223, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 7 through 42, begin a new paragraph and insert:

"(d) The commission consists of the following nineteen (19) members:

- (1) Five (5) members appointed by the governor as follows:**
 - (A) One (1) member who is the mayor of a third class city.**
 - (B) One (1) member representing business.**
 - (C) One (1) member representing labor.**
 - (D) One (1) member who is an economic development professional.**
 - (E) One (1) member who is a public safety employee of a second class city.**
- (2) Four (4) members who are members of the senate, appointed by the president pro tempore of the senate. Not more than two (2) members may be of the same political party.**
- (3) Four (4) members who are members of the house of representatives, appointed by the speaker of the house of representatives. Not more than two (2) members may be of the same political party.**
- (4) Six (6) members as follows:**
 - (A) One (1) member who is a county commissioner appointed by the president pro tempore of the senate.**
 - (B) One (1) member who is the mayor of a second class city appointed by the speaker of the house of representatives.**
 - (C) One (1) member who is a member of a city council of a second class city appointed by the president pro tempore of the senate.**
 - (D) One (1) member who is a member of a county council appointed by the speaker of the house of representatives.**
 - (E) One (1) member who is a township trustee appointed by president pro tempore of the senate.**
 - (F) One (1) member, appointed by the speaker of the house of representatives, who is:**
 - (i) a citizen of Indiana; and**
 - (ii) not an elected official.**
- (e) Not more than three (3) members appointed under**

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subsection (d)(4) may be of the same political party."

Page 3, delete lines 1 through 11.

Page 3, line 12, delete "(e)" and insert "**(f)**".

Page 3, line 16, delete "(f)" and insert "**(g)**".

Page 3, line 18, delete "(g)" and insert "**(h)**".

Page 3, line 21, delete "(h)" and insert "**(i)**".

and when so amended that said bill do pass.

(Reference is to SB 223 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 9, Nays 1.

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SENATE MOTION

Madam President: I move that Senate Bill 223 be amended to read as follows:

Page 2, line 4, delete "190-1993," and insert "**225-2004**,".

Page 2, between lines 5 and 6, begin a new line block indented and insert:

"(4) The efforts of Fort Wayne and Allen County to restructure municipal and county government.

(5) The ongoing study conducted by Vanderburgh County concerning the restructuring of local government."

Page 2, line 6, delete "(4)" and insert "(6)".

Page 2, line 7, delete "nineteen (19)" and insert "**twenty-one (21)**".

Page 2, line 25, delete "Six (6)" and insert "**Eight (8)**".

Page 2, delete lines 35 through 40, begin a new line double block indented and insert:

"(E) Two (2) members who are township trustees. One (1) member shall be appointed by the president pro tempore of the senate. One (1) member shall be appointed by the speaker of the house of representatives.

(F) One (1) member, appointed by the speaker of the house of representatives, who is a member of a town legislative body.

(G) One (1) member, appointed by the president pro tempore of the senate, who is:

(i) an elected or appointed and a qualified township assessor; and

(ii) not a township trustee."

Page 2, line 41, delete "three (3)" and insert "**four (4)**".

Page 2, after line 42, begin a new paragraph and insert:

"(f) After the effective date of this act:

(1) the president pro tempore of the senate shall appoint the first chairperson of the commission from among the members of the commission who are legislators, for a term that expires December 1, 2004; and

(2) the speaker of the house of representatives shall appoint the first vice chairperson of the commission from among the members of the commission who are legislators, for a term that expires December 1, 2004.

(g) After November 30, 2004:

(1) the speaker of the house of representatives shall appoint the second commission chairperson of the commission from among the legislative members of the commission, for a term

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that expires December 1, 2005; and
(2) the president pro tempore of the senate shall appoint the
second commission vice chairperson from among the
legislative members of the commission, for a term that expires
December 1, 2005."

Page 3, line 1, delete "(f)" and insert "(h)".

Page 3, line 5, delete "(g)" and insert "(i)".

Page 3, line 7, delete "(h)" and insert "(j)".

Page 3, line 10, delete "(i)" and insert "(k)".

Page 3, line 10, delete "2004." and insert "2005."

(Reference is to SB 223 as printed January 23, 2004.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Senate Bill 223, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "school corporation,".

Page 2, between lines 9 and 10, begin a new line block indented and insert:

"(6) The efforts of other states to consolidate local government."

Page 2, line 10, delete "(6)" and insert "(7)".

Page 2, line 42, after "representatives." insert **"The member appointed by the speaker of the house of representatives must be a trustee assessor."**

Page 3, between lines 37 and 38, begin a new paragraph and insert:

"(k) The commission shall annually submit a final report to the legislative council of the commission's recommendations and findings not later than December 1. The report to the legislative council must be in an electronic format under IC 5-14-6."

Page 3, line 38, delete "(k)" and insert "(l)".

and when so amended that said bill do pass.

(Reference is to SB 223 as reprinted February 3, 2004.)

PELATH, Chair

Committee Vote: yeas 9, nays 0.

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